

**IN THE UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT**

**KUMAR NAHARAJA**

*Plaintiff-Appellant, an individual, in Pro-per*

v.

**NATIONAL LABOR RELATIONS BOARD, et al**

Former General Counsel **Richard F. Griffin Jr.**

Executive Secretary **Gary Shinnars,**

Former Solicitor General William B. Cowen,

Defendants,

*(Federal Board/Agency, and three individual  
Officers of NLRB in their individual & official  
capacities)*

*Defendants-Appellees*

**CASE: 17-5107**

D.D.C. No. 1:16-cv-24 BAH

**FED. R. APP. P. 2**

**PL.-APPELLANT'S FOURTH MOTION TO HOLD APPEAL IN  
ABEYANCE UNTIL PAYMENT OF FILING & DOCKETING  
FEE, OR FRAP 24(a)(1) MOTION**

**(I). D.C. Cir. R. 27(h)(2) COMPLIANCE**

1.

Pl.-Appellant KUMAR NAHARAJA proceeding without assistance of counsel in this timely filed Appeal did not consult with defendant[s] before filing this motion for the purposes of seeking consent for filing this brief continuance due to the

Extra-ordinary circumstances noted below. *See* Sec. I, ¶ 2, *at* 2, *infra*.

2.

Pl-Appellant has been rendered homeless due to the criminal act of one or more public officials in the State of Oregon and is experiencing extra-ordinary circumstances and substantial hardship due to the unlawful displacement from home that occurred in violation of Oregon law.

**(II). MOTION TO HOLD APPEAL IN ABEYANCE  
until FEBRUARY 21, 2018**

1.

As this court is aware, Plaintiff filed a timely Notice of Appeal on May 3, 2017 in this case pursuant to the district court's *nunc pro tunc* Order. *See* Minute Order, No. 1:16-cv-24BAH, (D.D.C. Apr. 5, 2017).

2.

Additionally, pursuant to this court's May 17, 2017 clerk's order, Pl-Appellant timely filed the following "*Initial submissions*" along with *Pl-Appellant's Motion to hold appeal in abeyance until payment of filing & docketing fee, or FRAP 24(a)(1)* timely mailed June 16, 2017 and filed by this court on June 22, 2017:

(a) Transcript Status Report

(b) Certificate as to Parties, Rulings & Related Cases

(c) Underlying decision from which Appeal arises

(d) Brief Statement of issues to be raised.

(e) Docketing Statement Form

See Pl-Appellant's Mot. Hold Appeal in Abeyance, Sec. III, ¶¶ 3-8, at 4-7, Dkt No. 1681033, No. 17-5107, (D.C. Cir., June 22, 2017).

3.

Therefore, the only pending item that is due from Pl-Appellant at this time is the docketing and filing fee for this appeal pursuant to Fed. R. App. P 3(e).

4.

Pl.-Appellant respectfully moves this court to continue to HOLD THIS APPEAL IN ABEYANCE until Feb. 21, 2018 for the COMPELLING GOOD CAUSE set forth below:

(a) As this court was made aware of in Pl-Appellant's preceding motion containing the *Initial Submissions* timely mailed on June 16, 2017, Pl-Appellant is a CRIME VICTIM as that term "Victim" is defined by 18 U.S. Code § 3663A (*Mandatory restitution to victims of certain crimes*) subsection (a)(2).<sup>1</sup> The crimes have remained unprosecuted due to

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<sup>1</sup> 18 U.S. Code § 3663A (*Mandatory restitution to victims of certain crimes*)(a)(2) provides that "the term victim means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme,

a combination of factors: (i) prosecutorial misconduct at the U.S District Court of Oregon (Aug. 2014- Nov. 2015),<sup>2</sup> (ii) federal ethics violations by judicial members of the U.S Court of Appeals for the Ninth Circuit and its oversight by the Associate Justice of the Supreme Court, Honorable Anthony Kennedy allotted to the Ninth Circuit (Dec. 4, 2015 to Dec. 27, 2017)<sup>3, 4, 5</sup>,  
*See* n.4, n. 5 at 5, *infra*.

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-conspiracy, or pattern of criminal activity, any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern.” (internal quotation marks omitted).

<sup>2</sup> *See* News article published in *The Oregonian* (initial report dated June 7, 2016, 8:25 AM): announcing results of the Inspector-General's investigation on former U.S. Attorney for Oregon, Honorable Amanda Marshall on June 7, 2016. Laura Gunderson, *Federal authorities find U.S. Attorney violated laws, sexual harassment regulations'* *The Oregonian* (June 7, 2016), Retrieved from URL: [http://www.oregonlive.com/politics/index.ssf/2016/06/federal\\_authorities\\_find\\_us\\_at.html](http://www.oregonlive.com/politics/index.ssf/2016/06/federal_authorities_find_us_at.html)

<sup>3</sup> 18 U.S. Code § 205 [*Activities of officers and employees in claims against and other matters affecting the Government*] subsection (a)(2) provides that “whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties acts as agent or attorney for anyone before any department, agency, court, . . . in connection with any covered matter in which the United States has a direct and substantial interest; . . .” [shall be punished under the terms of the statute]. Subsection (h) of this section provides that “[f]or the purpose of this section, the term covered matter means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge,

coupled with (iii) a substantial political conflict of interest of the preceding administration which occupied *The White House* between the period Jan' 2013- Jan' 2017 (See Ex. 1, infra: evidence of political influence over NLRB officers in the preceding stated period); and (iv) the substantial conflict of interests (influence peddling) by certain public officials in the State of Oregon, notable among them, based on circumstantial evidence, are the Oregon Attorney General Honorable Ellen Rosenblum's office—none of which are a fault of Pl-Appellant's own making.

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accusation, arrest, or other particular matter.” (internal quotation marks omitted)

<sup>4</sup> The U.S. Department of Justice has direct jurisdiction and a substantial interest in prosecution of criminal RICO offenses and Health Care Fraud. The Ninth Circuit 3-panel judge closed Pl-Appellant's case **within 39 days after reinstating** the Appeal after payment of filing and docketing fee by Plaintiff and **within around 72 hours** after the Inspector-General's investigation on former U.S. Attorney for Oregon, Honorable Amanda Marshall issued a news release on or around June 7, 2016. The fraudulent order which recklessly ignored Pl-Appellant's Amended Notice of Appeal that contained the police report with beyond reasonable doubt standard of evidence of felony crime perpetrated by the defendants-appellees appended thereof, was issued by Honorable O'Scannlain, Clifton, and Watford, Circuit judges which stated that “the questions raised in this appeal are so insubstantial as not to require further argument.”

<sup>5</sup> The reckless violation of 18 U.S. Code § 205(a)(2) by Hon.' Circuit judge, Richard Clifton by itself rendered the foregoing Honorable judge's ruling on the President's Executive Order 13769 Void upon its entry. *See State of Washington v. Donald. J. Trump, et al*, No. 17-35105, ECF No. 134, 9th Cir., Feb. 9, 2017

(b) As before, therefore, Pl-Appellant as a crime victim continues to suffer from SEVERE economic losses due to no fault of his own. This is so because Pl-Appellant has been unemployed since August 31, 2013 due to being deprived of his livelihood, educational opportunity in Graduate Medical Education AND employment that was UNLAWFULLY terminated on Aug. 30, 2013 to frustrate efforts to prosecute, or otherwise bring to justice the perpetrators of criminal activity. *See* n.1, at 3-4, *supra*; *see* n.5, at 6-7, *infra*.

(c) Pl.-Appellant's Appellant's hard earned educational opportunity in Graduate Medical Education training & employment at Oregon Health & Science University was recklessly disrupted and then unlawfully terminated so that Appellant's supervisors/administrator could EVADE criminal conviction towards the felony criminal offenses, in a criminal conspiracy with fraudulently concealed criminal motives that was recklessly perpetrated by Appellant's supervisors/administrator at Doernbecher Children's Hospital/OHSU. *See* ORS § 162.325 [*Hindering prosecution*].

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<sup>5</sup> Petitioner's Graduate Medical Education & employment was unlawfully, with a criminal intent disrupted & terminated on 08/30/2013 by an organized criminal, pattern of racketeering activity (criminal RICO offenses) as that term is defined by 18 U.S.C. § 1961 (5) with fraudulently concealed criminal motives and perpetrated by 18 supervisors &/or administrators at OHSU School of Medicine, Portland, OR. *See* 18 U.S.C. § 1962 (c) & (d). *See* City of Portland, Portland

(d) Notwithstanding the above, Pl-Appellant in this case faces additional hardship circumstances due to being VICTIMIZED by ongoing new white-collar CRIMINAL ACTIVITY perpetrated by public officials of high standing in the State of Oregon, in conjunction with certain corrupt members of the legal profession who have been emboldened by the fact that the above-noted criminal activity (as noted in ¶¶ (4)(a)-(c), at 3-7, *supra*) remain UNPROSECUTED, due to public corruption, and in a furtherance of hindering prosecution.

(e) Given the circumstances as aforementioned, Pl-Appellant requires a reasonable period of additional time UNTIL and including Feb. 21, 2018 by which time Pl-Appellant believes a potential arrangement for payment of the filing & docketing fee for this Appeal would likely be possible, or otherwise to file a FRAP 24(a)(1) Motion in the district court.

5.

This request is NOT frivolous and this is Pl-Appellant's fourth request to hold this

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- Police Bureau's [PPB] Police Report, PPB Case No.14-84393. In *United States v. Benton*, the Fifth Circuit defined motive as "the reason that nudges the will and prods the mind to indulge the criminal intent." 637 F.2d 1052, 1056-57 (5th Cir. 1981). See Am. Compl. at 1-3, n.1 & n.2, ECF No. 11, at 1-3, No.1:16-cv-24 BAH, (D.D.C., Feb. 25, 2016)

meritorious appeal in abeyance until payment of filing & docketing fee, or otherwise to file a FRAP 24(a)(1) motion.

6.

Contrary to the district court's finding, Plaintiff-Appellant will prove to this court upon a reasonable opportunity provided by this court that Pl-Appellant has ARTICLE III STANDING to bring suit against the defendants, "the Board" and the three NAMED individual Officers of NLRB in their official & individual capacities.

### **(III). RELIEF**

WHEREFORE, for ALL of the compelling reasons, continuing circumstances of extra-ordinary personal hardship faced by Pl-Appellant due to **no fault of his own**, and the GOOD CAUSE set forth in this motion (see Sec. II. Motion, ¶¶ 1-6, *at* 2-8, *supra*), Plaintiff-Appellant respectfully moves this court to GRANT this fourth brief Motion for a brief continuance until payment of filing & docketing fee, or otherwise to file a FRAP 24(a)(1) motion in the district court, and to HOLD THIS APPEAL IN ABEYANCE **until and including Feb. 21, 2018.**

Respectfully submitted,

Dated: Dec. 31, 2017 (9:30 PM, PST)



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**KUMAR NAHARAJA**  
(Pl-Appellant in Pro-per)

PGY-2 Resident Physician<sup>5</sup>  
Pediatric Neurology Residency Program  
Doernbecher Children's Hospital  
OHSU School of Medicine, Portland, OR 97239

*Mailing address-*  
930 NW 25TH PL APT 402  
PORTLAND, OR 97210-2875  
Phone: 612.987.6782

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*Defendants-Appellees*

**CERTIFICATE OF SERVICE**

1.

I hereby certify that on Dec. 31, 2017 (PST), I filed a copy of the following motion listed below electronically *via* Appellate CM/ECF.

“Pl.-APPELLANT’S FOURTH MOTION TO HOLD APPEAL IN ABEYANCE UNTIL PAYMENT OF FILING & DOCKETING FEE, OR FRAP 24(a)(1) MOTION”

2.

Pursuant to FRAP 25(c)(2), the court’s transmission equipment makes electronic service of this motion on defendants’ counsel whose name is set forth in ¶ 2, at 9, *infra* AND satisfies the service requirement of **Cir. R. 25(a)** [*Filing & Service by Electronic Means*].

Diana Orantes Embree  
*Counsel for defendant[s]*  
National Labor Relations Board  
1015 Half Street, SE Fourth Floor, Ste 4015  
Washington DC 20570

*via* NDA-Appellate CM/ECF

Dated: Dec. 31, 2017(9:30 PM, PST)

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**KUMAR NAHARAJA**  
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OHSU School of Medicine, Portland, OR 97239

*Mailing address-*  
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